

*Qualified HFA* means an HFA that meets the requirements described in § 266.100(a).

*Risk-Sharing Agreement* means a contract between an HFA and the Commissioner that incorporates the terms, obligations, and conditions specified in this part.

*Secondary financing* means any grant, loan, inferior lien, or other form of indebtedness used during loan origination prior to HUD endorsement to finance a multifamily property insured under this part which is inferior to the insured mortgage as defined above and does not have first priority for payment.

*Single Room Occupancy, or SRO, projects* means multifamily projects consisting of units that are not required to contain food preparation or sanitary facilities for occupancy by single individuals capable of independent living.

*Supportive services* means any service provided under a planned program of services designed to enable residents of a residential rental property to remain independent and avoid placement in a hospital, nursing home, or intermediate care facility for the mentally or physically handicapped. In the case of a single room occupancy unit, the term includes any service provided to assist tenants in locating and retaining permanent housing. This definition is to be used in conjunction with the “gross rent” calculation.

#### **§ 266.10 Allocations of Assistance and Credit Subsidy.**

(a) *Notice of availability of assistance.* HUD will announce the availability of assistance under this program through publication of a Notice in the FEDERAL REGISTER. Such Notice will invite qualified HFAs to submit an application for approval and/or for additional units under this part. The Notice will indicate the deadline date for submission of applications, required documentation, the address to which the applications must be submitted and other relevant information.

(b) Credit subsidy will be obligated and allocated in accordance with outstanding Department instructions.

#### **§ 266.15 Risk-Sharing Agreement.**

Execution of a Risk-Sharing Agreement is a prerequisite to participation in this program. The Risk-Sharing Agreement shall be in a form acceptable to the Commissioner.

[61 FR 7947, Feb. 29, 1996]

#### **§ 266.20 Effect of amendments.**

The Commissioner may amend the regulations in this part from time to time. Amendments to the regulations will not adversely affect the interest of a lender under a Contract of Insurance on any mortgage already insured or on any mortgage to be insured on which HUD has already issued its firm approval letter.

#### **§ 266.25 Limitation on HUD insurance liability.**

The Commissioner shall have no obligation to recognize or deal with anyone other than the HFA in its role as mortgagee of record and as party to a risk-sharing agreement with HUD with respect to the rights, benefits, and obligations of the HFA under the contract of insurance.

#### **§ 266.30 Nonapplicability of 24 CFR part 246.**

The provisions of 24 CFR part 246 do not apply to projects that are security for mortgages insured under this part.

### **Subpart B—Housing Finance Agency Requirements**

#### **§ 266.100 Qualified housing finance agency (HFA).**

(a) *Qualifications.* To participate in the program, an HFA must apply and be specifically approved for the pilot program described in this part, in addition to being a HUD-approved mortgagee in accordance with 24 CFR 202.10 through 202.19. The HFA must maintain eligibility by continuing to comply with the requirements set forth in the Risk-Sharing Agreement and this part. To qualify for participation in the program described in this part, an HFA must:

(1) Carry the designation of “top tier” or its equivalent as evaluated by Standard and Poor’s or any other nationally recognized rating Agency; or